

Appl No.: 10/811,595

Atty. Dkt.
PC-1696**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1, 3, 5, 8, 9 canceled claims 4, 6, 7, 12-19 and added new claims 20-30. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

As to the restriction requirement, applicant has cancelled claims 12-19 and reserves the right to file a divisional application in the future.

As to the objection to the drawings, applicant has inserted reference number 530 in the specification to define the 12 volt DC outlet. Thus, removal of this objection is requested. The objection to claim 4 is now moot since this claim has been canceled. As such, there is no need to provide any replacement sheets. Thus, removal of the drawing objections are respectfully requested.

As to the objections to the specification raised in paragraphs 5 and 6 of the office action, applicant has made a good faith effort to respond to each and every objection raised with appropriate amendments. Thus removal of the objections to the specification is respectfully requested.

As to the objections to claims 3 and 5, applicant has made a good faith effort to respond to each and every objection raised with appropriate amendments. Thus removal of the objections to the claims is respectfully requested.

Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination shown in Fig. 5 and described on at least page 9 of the specification of "a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure."

Claims 1, 2, 5 and 11 were rejected under sec. 102b as being anticipated by Hilbert. The Hilbert reference describes a "rapidly deployable protective enclosure", title, and has nothing to do with filtering air through multi-stage filters. Claim 1 has been

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amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of “a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure.” Clearly, these features are not described, taught, or suggested by Hilbert. Thus, removal of this rejection is respectfully requested.

Claim 3 was rejected as being unpatentable by Hilbert in view of Tate. This reference does not overcome the deficiencies to Hilbert described above. The Tate reference describes “dome tents”, title, and has nothing to do with filtering air through multi-stage filters. Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of “a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure.” Clearly, these features are not described, taught, or suggested by Tate. Thus, removal of this rejection is respectfully requested.

Claim 3 was rejected as being unpatentable by Hilbert in view of Gocher. This reference does not overcome the deficiencies to Hilbert described above. The Gocher reference describes a “collapsible anti-contamination shelter...with filter...” title, and mentions using a “filter” but does not describe the novel claimed multi-stage filtering system of the claimed invention. Again, Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of “a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure.”

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Clearly, these features are not described, taught, or suggested by Tate. Thus, removal of this rejection is respectfully requested.

Claims 6-7 were rejected as being unpatentable by Hilbert in view of Haughey. This reference does not overcome the deficiencies to Hilbert described above. The Haughey reference describes a "hood mask and air filter system", and has nothing to do with filtering air through multi-stage filters in a tent size enclosure. Additionally, Haughey uses no blower and at most mentions only two filters (a charcoal filter 26-27 and electrostatic type filter 22, but not the multi-stage filters of the subject claims. Again, Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of "a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure." Clearly, these features are not described, taught, or suggested by Tate. Thus, removal of this rejection is respectfully requested.

Claim 8 was rejected as being unpatentable by Hilbert and Haughey in view of Baldwin. This reference does not overcome the deficiencies to Hilbert and Haughey described above. The Baldwin reference describes "inflatable refuge structure", title, and has nothing to do with filtering air through multi-stage filters. Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of "a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure." Clearly, these features are not described, taught, or suggested by Tate. Thus, removal of this rejection is respectfully requested.

Claims 6-9 were rejected as being unpatentable by Hilbert in view of Sutton. This reference does not overcome the deficiencies to Hilbert described above. The Sutton reference describes a trailer or a building connected enclosure and NOT a tent

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enclosure as required by the subject claims. At most this reference mentions only a HIEPA type filter 122, and a Charcoal filter 124 in column 7 and not the novel claimed multi-stage filter of the subject invention. Claim 1 has been amended to include the subject matter of previous dependent claims 6 and 7 and the novel combination of "a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure; a first filter for absorbing substantially all odors entering the enclosure; a second filter for capturing substantially all radioactive sized particles from entering the enclosure; and a third filter for killing microbes from entering the enclosure, wherein the multi-stage air filter system cleans contaminated air from entering into the enclosure." Clearly, these features are not described, taught, or suggested by Tate. Thus, removal of this rejection is respectfully requested.

Claim 10 was rejected as being unpatentable by Hilbert by itself. Applicant disagrees with the examiner's assertion that official notice is taken of making Hilbert to have the same dimensions to that of subject claim 10. It is clearly improper for the examiner to arbitrarily ignore any of the novel features of the claims. Under the patent rules, the examiner cannot rely on personal feelings to reject claimed features, but must rely on a teaching reference. If the applicant requests the examiner cite the reference(s) showing each and every one of the references that supports a rejection, the examiner must cite the reference or remove the rejection. Thus, applicant respectfully requests the examiner point out the uncited reference that supports this rejection of claim 10 or remove the rejection.

The remaining references cited but not applied fail to overcome the deficiencies to the other references described above.

Applicant has also added new claims 20-25 which further describe novel features of the invention that are described on at least page 9 of the subject specification. In addition, applicant has added new claims 26-30 which read on Fig. 8 and are likewise described in the specification on at least page 13. Applicant believes that these claims cover additional novel features that are not described, taught or suggested by the references of record.

The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness.

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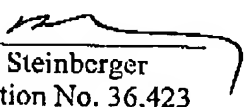
The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vacek, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 1-3, 5, 8-11 and 20-30 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

In view of the foregoing considerations, it is respectfully urged that claims 1-3, 5, 8-11 and 20-30 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;


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